

1 BARRY J. PORTMAN
2 Federal Public Defender
3 JOSH COHEN
4 Assistant Federal Public Defender
5 19th Floor Federal Building
6 450 Golden Gate Avenue
7 San Francisco, CA 94102
8 (415) 436-7700
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10 Counsel for Defendant SMITH

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR-06-0172 CRB
12 Plaintiff,)
13 v.)
14 ROBERT SMITH,)
15 Defendant.)
16

17 On July 27, 2006, the parties in this matter appeared before the Court for a hearing on
18 defendant's motion to suppress. The Court denied the motion as moot. Defense counsel advised
19 the Court that Mr. Smith may file additional motions and requested a hearing date of September
20 13, 2006. Counsel further advised the Court that the parties intend to discuss a possible
21 resolution to the case and will notify the Court if such a resolution is reached.

22 The parties hereby agree and stipulate that the time between July 26, 2006 and September
23 13, 2006 should be excluded under the Speedy Trial Act. The parties agree that the requested
24 continuance is appropriate to accommodate the unavailability of defense counsel for much of
25 August and the need to conduct further investigation in preparation for the filing of any
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From-FEDERAL PUBLIC DEFENDER

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1 additional motions.

2 IT IS SO STIPULATED.

3 Dated: 7/27/06



BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

6 Dated: 7/27/06



KEVIN V. RYAN
United States Attorney
MICHELLE MORGAN-KELLY
Assistant United States Attorney

12 ORDER

13 Accordingly, and for good cause shown, the Court orders that the time from July 26, 2006
 14 through September 13, 2006 shall be excluded under the Speedy Trial Act. The Court finds that
 15 the ends of justice served by granting the requested continuance outweigh the best interest of the
 16 public and the defendant in a speedy trial. This finding is based on the Court's determination
 17 that the failure to grant the continuance would deny the defendant continuity of counsel and the
 18 reasonable time necessary for effective preparation of his defense, taking into account the
 19 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 IT IS SO ORDERED.

21 Dated: July 27, 2006

